

**CONNECT NEW MEXICO COUNCIL MEETING**  
**Hybrid, Roundhouse 411 S. Capitol St., Santa Fe,**  
**NM 87501 Rom #311**  
**November 16, 2023, 1:30 – 3:30 PM**

**1. WELCOME AND CALL TO ORDER**

The meeting of the Connect New Mexico Council was called to order by Shawna Rosales, at 1:37 pm, on Thursday, November 16, 2023, in Santa Fe, New Mexico. Ms. Rosales introduced herself and reviewed general rules and procedures regarding the meeting.

**MEMBERS PRESENT-**

|                             |                    |
|-----------------------------|--------------------|
| Kimball Sekaquaptewa, Chair | Launa Waller       |
| Ovidiu Viorica              | Godfrey Enjady     |
| Peter Mantos                | Katherine Crociata |
| Jim Ruybal                  | Steve Grey         |

**MEMBERS ABSENT-**

|                                  |                  |
|----------------------------------|------------------|
| Luis Reyes, Co-Chair             | Joseph Navarette |
| Nora Sackett, for Alex Greenberg | Bogi Malecki     |
| Eli Guinnee                      | Tico Charlee     |
| Leonard Manzanares               |                  |

**OTHERS PRESENT**

Shawna Rosales, OBAE  
Drew Lovelace, Broadband Director  
Natalie Runyan, GIS  
Jacqueline Lovato, Jerry Smith, Jeff Albright, Debra G., Kitty Clemens, Catherine Nicolaou, Laurence Pena, Martha Beckett, Melanie Goodman

**2. APPROVAL OF MEETING AGENDA AND MINUTES**

**MOTION:** Ms. Rosales called for a motion to approve the agenda for today's meeting, as presented. Mr. Viorica so moved, seconded by Ms. Crociata. There being no opposition the Agenda was approved.

**MOTION:** Ms. Rosales called for a motion to approve the minutes of the 10/19/2023 meeting, with suggested changes. Mr. Viorica so moved, seconded by Ms. Waller. There being no opposition the minutes were approved.

**3. CHAIR UPDATES/COMMENTS – Kimbal Sekaquaptewa**

Chair Sekaquaptewa was participating via telephone and had asked Mr. Viorica to chair today's meeting. Mr. Viorica indicated that Ms. Crociata had volunteered to chair the meeting and turned the meeting over to her.

Ms. Crociata thanked everyone for their participation today, in particular with the upcoming holiday and recent legislative committee activities in preparation for the upcoming legislative session. She noted that Chair Sekaquaptewa will probably have some additional comments and updates once she is able to join the meeting in person.

**4. DE Plan Update – Kimbal Sekaquaptewa**

1. Digital Equity Regional Planning and Community Engagement Co-Planning Update  
Mr. Viorica commented that Mr. Jerry Smith, the Chair of the Regional Planning and Community Engagement working group might be able to share comments since Chair Sekaquaptewa is

unable to do so at present.

Smith – Noted that he did not have a prepared report but will be glad to comment and encouraged others to add information. He stated that there was a joint meeting with the Digital Equity work group and the Regional Planning and Community Engagement work group last week. They reviewed the BEAD Volume 1 Plan and added/submitted comments as a group. He commented that this was a very healthy process with a lot of input and others made their own comments individually, as had been encouraged. He noted that this working group gave a more detailed update at last month's Council meeting, so he had not anticipated giving a work group update today. He stated that the meeting for next week will be cancelled and they anticipate a legislative update from OBAE at their December 6<sup>th</sup> meeting.

Crociata – Thanked Mr. Smith for this report.

Viorica – Stated he believed the significance of this agenda item is that the initial draft of the Digital Equity Plan, required by NTIA, is due to be published in December for public comment, with the final version due to be submitted to NTIA in February. He noted that Director Lovelace would have additional information regarding this.

Lovelace – NTIA has recognized the need for an extension regarding this and has encouraged every state agency to submit an extension request which would allow the Digital Equity funds to be expended over a longer period of time, as well as putting the deadlines for the Digital Equity Plans closer to the program dates for the federal government. The current timeline is that the draft is due to NTIA on November 28<sup>th</sup> and the contractor, CTC, has provided a good shell at this point, and the deadline for final submission is February 11<sup>th</sup>, after the public comment period. This should be out for public comment by mid-December. Hopes to have a close to finished draft for review by the Council prior to the public comment period, which should be going out to Council members in early December for their review.

Crociata – Thanked Mr. Lovelace for that update.

Viorica – Asked if there were any comments or questions related to finalization of the Digital Equity Plan. Noted that it is essential to get this Digital Equity Plan right and be able to perform this work in parallel with all the other facets of the overall broadband project.

There were no additional comments or questions.

## 2. PROP – Ovidiu Viorica

Very good conversation during their last meeting related to the challenges involved with utility pole attachments. He noted the valid concerns raised by Vice-Chair Reyes. This will be a continuing conversation looking at all the tools and avenues available to make positive changes and, quoting Councilman Enjady, “bring some relief” to the process of the joint infrastructure. Permits, rights-of-way and pole attachments present big challenges in terms of time, resources and cost.

He stated that the Federal Permitting Council recently announced that they will be making \$155 million available to federal agencies to facilitate the hiring of permit specialists and securing tools to facilitate the faster processing of permits and associated paperwork. He noted that he is not sure how this will translate into reality in the field. This is a good sign, indicating that this has been recognized as an issue and funding is being provided to address this.

With respect to the PROP working group, this group has been expanded and is quite inclusive with representation from municipalities, federal agencies, ISPs, rural electric co-ops and investor owned utilities. Overall this group understands the challenges associated with the short timeframe involved and want to work toward solutions.

He reported that he, acting Director Lovelace, general counsel vanessa and other project managers from Delta Broadband had two very productive meetings with representatives from the electric cooperatives, their boards, and general managers. There seems to be good agreement that this is an opportunity for everyone to look at the old processes, the mechanism of maintaining records and record sharing, the placement of resources, and then develop a working relationship and the process that is going to support the BEAD steps, including the challenge process over the next 12 months, fully developing projects with reliable cost estimates which will stand the test of actual deployment. They also discussed some principles they believe should be put in place, such as clarity and transparency, and the specific language needed for this to be translated into either legislation or policy, noting that Director Lovelace has recognized that legislation may not be the best solution for every instance and policy arrived at by mutual agreement may be the better avenue to pursue.

Another area discussed by the working group is consistency and predictability which will involve using the same processes, tools, methodology and approach, which will help streamline the overall process. Mr. Viorica then reviewed some of these things such as the initial cost estimates for project budgets, providing actual quotes, signing agreements, consistency among the agreements, etc.

A third area discussed was fairness and committedness, stating that equal processing charges should apply for all and reviewed details of what this would involve.

Mr. Viorica stated that there is generally agreement on these principles and the working group will continue to work on the details surrounding these, comparing this with the legislative language moving forward.

He also noted another significant component of this work, which is to make sure there are adequate resources for successful broadband deployment, to include personnel, tools, technology, survey tools and procedures, etc. He added that a representative from the association has shared the contact information for a drone operator, who is experienced in drone-based surveys, which could possibly be a good tool to expedite surveys and increase survey accuracy, as well as reduce the cost and time needed to complete the surveys. He posed the question of whether there are trusted and vetted outside engineering firms which may be able to supplement the personnel available at some of the smaller local cooperatives, as an example of the specialized resources needed, and getting these organized to help execute many of these necessary tasks within the parameters of the required timeline.

He commented that the office has also advocated establishing a pole replacement fund, which will definitely require legislation and is an eligible expense, and that many other states have actually put similar funds in place. He added that as a state all of the infrastructure sources of funding need to be explored and aligned as much as possible, especially with respect to grid resilience, etc.

He concluded his report by noting that a sense of cooperation is evident within this working group which includes a group of experts who are willing to come together to find solutions and that the Office of Broadband will continue to coordinate this and keep the communication going. He voiced the need for this sort of rapid response type of task force or group which will

be able to mediate and find solutions and resources for problems as they arise.

Crociata – Very comprehensive report and illustrates how much more complicated this process is than many may realize. Noted the concept that has been expressed concerning a one-stop-shop for permitting, etc.

Viorica – The legislation that formed the Office of Broadband contemplated this concept, however, putting something like this in place is a monumental task due to the varied jurisdictions and systems involved. This concept is still the goal, but he does not believe this is feasible in the short-term, and the current approach of mutual cooperation will continue to be the process for the short-term as the details of system information sharing are worked out, which will be very complex.

Crociata – Yes, believes this will be the long-term goal, but definitely worth pursuing. Called for additional questions. There were none.

Asked Mr. Lovelace to address next Agenda item, #5, the Rulemaking Timeline Update.

Lovelace – Asked if he could skip down to item #7, Updates from OBAE.

Crociata – Agreed to do so.

Lovelace – Recognized the extensive work of Mr. Viorica since the inception of the Council and his persistence and diligence in this regard and expressed his gratitude for this. He also recognized that Ms. Rosales has stepped into the role of administrator for the Council meetings, which was formerly done by Ms. Narvaiz, and thanked both of them for their work in this role.

## **5. Rulemaking Timeline Update – Drew Lovelace**

Director Lovelace thanked and complimented Ms. Rosales for her work on this. The amendments and rule changes were posted on November 7<sup>th</sup>, along with the public posting in the Albuquerque Journal, and will be in the Public Register for 30 days. Have yet to receive any public comment on these. Hearing is scheduled for December 14<sup>th</sup>, and a hearing officer has been identified with the purchase order for this in process. No problems anticipated in this regard. Posted a link in the chat to the Notice of Public Register (NOPR) on the DoIT website. Offered to answer any further questions.

Viorica – Asked what the projected end date is anticipated for the rules to be finalized/updated. This affects eligibility for grant writing and would be helpful for entities to know when they will be eligible for this funding. Also, will there be another round of funding for grant writing that these entities could take advantage of and how will all of this align with the overall BEAD process.

Crociata – Asked Dir. Lovelace to clarify the additional \_\_\_\_\_ being added to this Rulemaking.

Lovelace – Aligning some of the rules to recognize the tribal statutes, as well as alignment to allow electric co-ops and telephone companies, in addition to tribes and local governments to be eligible for the grant writing funds. Basically, this will align the Connect New Mexico Fund rules with the statute. Noted that one of the big changes pertained to the State Tribal Collaboration. With respect to the timing, Dir. Lovelace anticipated that the changes will take place right away once the Council votes to adopt the changes after the public comment period.

Will double-check this with legal counsel.

Viorica – Good news for the electric and telephone cooperatives.

Crociata – Any further questions?

**6. 2024 Proposed Legislation – Drew Lovelace**

Dir. Lovelace stated there is ongoing work with the Department of Finance and Administration with respect to establishing a separate business unit, giving further separation from the Dept. of IT, and clarifying legislative language regarding ownership, etc. Asking for a special \_\_\_\_\_ request, which will come under HB2, to make sure that the special request does not instantly go away, so they are asking for \_\_\_\_\_ Connect New Mexico Act. \_\_\_\_\_ in 2026 when all the funds revert. In anticipation of how large the gap may be of \$2.1 billion between all of the federal funds that come in to tribal entities, electric co-ops, ISPs, everyone who has been applying for all of the funds available, they want to make sure to still be working toward the \$2.1 billion gap with infrastructure, so the anticipated ask is for \$250 million every year for 9 years. They will keep tracking all funding coming into the state. Anticipation is that the Connect New Mexico Fund has a nine to ten year \_\_\_\_\_ where there will be a continued ask for additional funding for more programs as the Office develops. A secondary priority was anticipated as a separate bill but this has been combined into one bill on advice of legislative counsel. Bringing the PSFA team over on an MOU, great to have the people, but has been a challenge on the funding side. Gave details of what this has involved, especially with respect to the State Education Network.

Crociata – Asked if there were any questions regarding the 2024 legislation. There were none. (moved down to item #8, Public Comment, at this point)

**7. Updates from OBAE – Drew Lovelace**

Initial Proposal, Vol. 2 is the secondary portion of the required Initial Proposal for OBAE to secure the allocated \$675 billion, the bulk of which pertains to how the grants will be formulated or developed. He screen-shared the website once again and reviewed this, noting that Vol. 2 is now open for public comment, and reviewed how to do this on the website. This will remain open for public comment until December 14<sup>th</sup>. He encouraged everyone to review and comment as early as possible. The goal for the office is to get the public comment reviewed and get this out before Christmas.

Mr. Lovelace reported on the Tribal Mapping Event and thanked Chair Sekaquaptewa and Seth Poston for their help with this, noting the good participation involving various groups. He also thanked Ms. Runyan and her team for their work on the technical mapping to provide mapping resources to the tribal entities.

With respect to hiring, two offer letters have been signed within the last month, one for a project manager to add to the three already in place, as well as a program coordinator for the BEAD program. One action is pending with State Personnel with respect to an offer letter for another project manager. May be transitioning to a speed hiring type event to help fill remaining positions.

Almost all BEAD federal tribal consultations have been completed, the last one is scheduled for November 21<sup>st</sup>. In discussion with other state broadband directors, it appears as though no other state with this many tribal entities has reached the 100% mark yet. He thanked Seth Poston for his hard work with making these connections for the office.

Crociata – Commented on how seamless the transition has been from Director Schlegel to Director Lovelace. Expressed her appreciation for this and noted that this was also noted by the Legislative Finance Committee.

Lovelace – Commented that he is only the face of the office and there are a number of others who make up an amazing team and this has truly been a team effort. Thanked Ms. Crociata for her kind comments and will share this with the team.

Crociata – Also complimented Mr. Viorica for his work over the past many years and expressed her appreciation.

Viorica – Thanked Ms. Crociata for her compliment. He noted that Chair Sekaquaptewa has also been pursuing this work for many years and that this collective work has now moved into high gear with the additional resources now available. Expressed gratitude for these new resources.

Mr. Viorica recognized Ms. Nicolaou who had a question.

Nicolaou – Ms. Nicolaou introduced herself as the Broadband Manager for the City of Albuquerque. She had a question for Dir. Lovelace. She asked if the Office of Broadband knows how many comments have been received on IPv1?

Lovelace – Yes, there were 68 comments with 38 received on Thursday, November 9<sup>th</sup>, with the remainder received Friday, November 10<sup>th</sup>, the day it closed. They are processing these now. It will take a while to process these and IPv1 into the portal and submitted to NTIA.

Nicolaou – Thanked Mr. Lovelace for this response.

Crociata – Asked if there were any further questions. There were none. Asked Mr. Lovelace to address item #5, the Rulemaking Timeline Update. (returned to item #5 at this point)

## **8. Public Comment:**

Sekaquaptewa – Thanked everyone who participated in the tribal training last week. Thanked Ms. Runyan in particular for attending and working with the tribes. Ms. Sekaquaptewa reported that she had met earlier with some of the tribal governors and they have also adopted a resolution similar to \_\_\_\_\_ which reflected a lot of Senator Lujan's work with respect to tribal applications and issues with the BEAD application. She also reported that NTIA had issued a waiver with respect to the letter of credit challenge which had been presented by the Tribal Working Group.

Lovelace – Noted what an amazing advocate Mr. Enjady has been and thanked him for his diligence and all the work he has put in.

Enjady – Thanked Dir. Lovelace for his kind comment.

Crociata – Asked Mr. Enjady if he had any further comments.

Enjady – Agreed that the letter of credit issue was indeed a great victory, however, this is not tribal specific so may still be difficult for some tribes. Will continue to work through those issues. He has spoken to NTIA about this. Many things happening at the agency level concerning tribes that will need continued monitoring and advocacy, and this will also help small municipalities. He spoke with Chairwoman Rosenwhistle about issues with ACP, which

is becoming a problem and could run out of funding by April at the rate it is currently being drained, unless it is reauthorized. Described other possible pathways through Lifeline or Linkup. Chair Rosenwhistle was also pushing hard for funding of tribal libraries and universities. Noted that sustainability is also still an issue for tribal entities. Expressed appreciation for the work by Dir. Lovelace and Chair Sekaquaptewa with respect to the sustainability issue for tribes in New Mexico and this is being noted by others across the country, especially in Washington, D.C. Is advocating for more spectrum to be made available for tribes. He attended the Technology Symposium in Washington, D.C., gave details of some of the advancements that will be forthcoming, in particular with regard to AI.

Again expressed his appreciation for all the work happening here in New Mexico, especially the mapping portion and overlap conditions, which are key issues, as well as the permitting work being done by Mr. Viorica. No supply chain disruptions at present but a lot happening with vendor and service provider selection, etc., getting things ready and in place.

Crociata – Thanked Mr. Enjady for his report. Expressed appreciation for his work and outreach.

Enjady – Commented that Senate Indian Affairs, both Republican and Democrat, recognized New Mexico as being the leader for the nation as a state working with tribal entities. This was good to hear. The engagement and consultation processes are key issues that New Mexico is doing very well with.

Lovelace – Noted that a number of today's attendees will be attending the New Mexico Chamber of Commerce Broadband Summit at Sandia Resort on December 13<sup>th</sup>. This will be a good business focus from the business community to ensure that New Mexico businesses really understand what is coming with all of the infrastructure funding. He and Chair Sekaquaptewa will be speaking at the event and Mr. Enjady will be giving an update. There will also be a moderated session with electric coops and \_\_\_\_\_. There will be some legislative updates from Sen. Padilla and a video from Sen. Ben Ray Lujan's office. A request has been made to see if the Governor will also be available. Encouraged as many as can to participate as this will be a great networking opportunity.

Crociata – Thanked Dir. Lovelace for this information.

Viorica – Very exciting to see New Mexico leaders being recognized for their work. Need to continue this and build on what has already been accomplished, continue to set the standard for success. Reported that the state funding request for \$\_\_\_\_ million per year includes an affordability component and the desire to have an allocation which is ACP-like, to supplement ACP in case ACP is extended for in-need families to afford service or better service, as well as a backstop-type measure if ACP does not get renewed, in which case state funding will be critical in helping these families retain the service, secure the service and have the resources where necessary. He also thanked Mr. Enjady for his work, as well as Chair Sekaquaptewa, in addition to the support from Sen. Ben Ray Lujan.

Enjady – Would be great to get notice to senators/representatives in Washington to get ACP re-authorized. Agrees with Mr. Viorica that something on the state side as a fallback would be very beneficial.

Viorica – Commented that the Governor joined several other governors in signing a letter in support of ACP reauthorization. He will try to find a link to this and put it in the chat.

Crociata – Any additional Public Comment?

Rosales – Asked if Chair Sekaquaptewa wanted to revisit Digital Equity Plan, item #4(1).

Sekaquaptewa – Expressed appreciation for Mr. Smith giving an update on this. Asked Ms. Nicolaou if she had any further comments.

Nicolaou – Mr. Smith gave a very good synopsis of the work done. Stressed the need to recognize the two groups, noting that the Digital Equity working group has been together since approximately April 2022. Their focus has been to be inclusive of work being done statewide in terms of digital equity. They were able to get with RPC and work on comments to IPv1. They want to be a resource for the Office of Broadband and support all of the work put into this. Moving forward the hope is that the work being done in the digital equity meetings would be transferred into the Digital Equity Plan, for all communities of New Mexico. She commented that this is a very passionate and cohesive group and hoped that they are aware of how much they are appreciated.

Sekaquaptewa – Hopefully the goals and strategies of the Digital Equity and Regional Planning groups will ultimately be reflected in the final plan.

Rosales – Any additional questions or comments?

**9. Adjournment:**

Ms. Rosales called for a motion to adjourn. Ms. Crociata so moved, seconded by Mr. Enjady. There being no opposition and no further business before the Council, the meeting was adjourned at 3:05 p.m.